



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 08-2282

October 10, 2008

## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 21 (MICHIGAN) REVISED 700 MHZ REGIONAL PLAN

PS Docket No. 06-229; WT Docket No. 02-378

*Introduction.* On January 23, 2008, the Region 21 (Michigan)<sup>1</sup> 700 MHz Regional Planning Committee (Region 21) submitted a revised 700 MHz Public Safety Plan (Revised Plan) for General Use<sup>2</sup> spectrum in the 769-775/799-805 MHz band.<sup>3</sup> For the reasons discussed below, we approve the Region 21 700 MHz Revised Regional Plan.

*Background.* In 1998, the Federal Communications Commission (Commission) established a structure to allow Regional Planning Committees (RPCs) optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.<sup>4</sup> There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.<sup>5</sup> The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.<sup>6</sup>

<sup>1</sup> The Region 21 (Michigan) 700 MHz regional planning area includes all eighty-three (83) Michigan counties in both the Lower and Upper Peninsulas, and shares its eastern and northeastern borders with Canada. In addition, there are four federally recognized Native American Tribal Nations: Chippewa, Odawa, Ottawa and Potawatomi.

<sup>2</sup> The General Use spectrum is administered by regional planning committees (RPCs) and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

<sup>3</sup> See Letter from Joe Turner, Region 21 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 96-86, PS Docket No. 06-229 (filed Jan. 23, 2008) (submitting Revised Plan). On April 10, 2006, Region 21 submitted a 700 MHz plan, which was dismissed without prejudice on January 31, 2007 (citing deficiencies). See also Letter from Dana Shaffer, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, to Joseph M. Turner, Chair, 700 MHz RPC, Michigan Public Safety Frequency Advisory Committee, 22 FCC Rcd 1877 (PSHSB 2007).

<sup>4</sup> 47 C.F.R. § 90.527; see Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

<sup>5</sup> See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

<sup>6</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.<sup>7</sup> The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

*Plan Requirements.* Each RPC is required to submit its plan for the assignment of licenses for General Use spectrum.<sup>8</sup> Each regional plan must contain certain elements<sup>9</sup> and must be coordinated with adjacent regions.<sup>10</sup> RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.<sup>11</sup> Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.<sup>12</sup>

Regional plans may differ in approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties. However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.<sup>13</sup> RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).<sup>14</sup>

---

<sup>7</sup> Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

<sup>8</sup> See 47 C.F.R. § 90.527; see also 47 C.F.R. § 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

<sup>9</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

<sup>10</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

<sup>11</sup> See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs to promptly adopt operating procedures that "ensure that all entities will be given reasonable notice of all committee meetings and deliberations." *Id.* at 195 ¶ 86.

<sup>12</sup> *Id.*

<sup>13</sup> See 47 C.F.R. § 90.527.

<sup>14</sup> The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/documents.html>.

*Review of the Region 21 700 MHz Plan.* Region 21 convened its first meeting on May 3, 2000,<sup>15</sup> wherein it appointed its officers, reviewed proposed by-laws, and established four committees: Interoperability, Funding, Survey, and Writing.<sup>16</sup> By-laws were adopted on January 31, 2001.<sup>17</sup> The Revised Plan includes detailed membership lists;<sup>18</sup> an outreach notification process;<sup>19</sup> and meeting minutes for the RPC and some committees.<sup>20</sup> The Revised Plan describes the procedures for requesting spectrum allotments,<sup>21</sup> and outlines, generally, system implementation criteria and spectrum utilization.<sup>22</sup> In addition, the Revised Plan notes that use of allocated frequencies in counties “north of Line A” are subject to international treaty obligations.<sup>23</sup> The Revised Plan encourages agencies to join larger existing systems where possible, or form consortiums with neighboring agencies to create spectrum efficient new systems.<sup>24</sup> Further, the Revised Plan discusses the use of interoperability channels,<sup>25</sup> lists the TV/DTV interference protection criteria requirements,<sup>26</sup> and provides a process for future spectrum planning and plan modification.<sup>27</sup> The Revised Plan was adopted by its members on December 20, 2007, and the

---

<sup>15</sup> See Revised Plan Appendix E – Listing of Meeting Dates and Locations. Region 21 held over thirty-five meetings, between May 2000 and December 2007, at several locations to ensure wide participation.

<sup>16</sup> See Revised Plan Appendix F – Meeting Minutes (May 3, 2000 Meeting Minutes).

<sup>17</sup> See Revised Plan Appendix D – Bylaws of the Region 21 Planning Committee; see also January 31, 2001, Meeting Minutes.

<sup>18</sup> See Revised Plan Appendix A – Officers and Membership; see also, Appendix B - List of individuals contacted to participate and participating in the planning process.

<sup>19</sup> See Revised Plan, Meetings, Public Notices and Meeting Attendance at 4; see also, Appendix E – Listing of Meeting Dates and Locations. Notices were sent to all public safety, first responder or other agencies and units of government equipped to receive Law Enforcement Information Network (LEIN) broadcasts; public media outlets (low power TV stations), Michigan Association of Counties; Township Association, and Municipal League. In addition, separate communications were sent to each of Michigan’s Native American Tribal organizations identified in Revised Plan Appendix C – List of Michigan Cities, Villages and Townships at 30.

<sup>20</sup> See Revised Plan, Appendix F – Meeting Minutes.

<sup>21</sup> See Revised Plan, Spectrum Allocation at 6-7. Region 21 will accept applications on a first-come, first-serve basis, following plan approval. See also Appendix G – Plan Submittal Requirements, Co-channel and Return to Pool (system loading requirements, co-channel assignment methodology, technical requirements for coverage, power densities and contours, and return to pool stipulations for less than fully loaded channels). See also Revised Plan, Reassignment of Existing Frequencies criteria at Revised Plan at 12-13 (stating that applicants must provide a Letter of Intent (LOI) to the RPC, listing all frequencies to be relinquished if 700 MHz allocations are granted and that such LOI be submitted as a condition of license grant by the FCC). We reject Region 21’s requirement for submission of an LOI as a condition of license grant, as outside the scope of the RPC’s spectrum administration responsibilities.

<sup>22</sup> See Revised Plan, Coverage and Interference at 10-11 (addressing TV/DTV protection criteria).

<sup>23</sup> See 47 C.F.R. § 90.533 Transmitting sites near U.S./Canada or U.S./Mexico border.

<sup>24</sup> See Revised Plan Spectrum Allocation at 6-7.

<sup>25</sup> See Revised Plan, Interoperability Requirements at 7-9 (requires all applicants to submit an Interoperability Plan with applications for spectrum).

<sup>26</sup> See Revised Plan, Appendix T - DTV Transition; see also 47 C.F.R. § 90.545 TV/DTV Interference Protection Criteria.

<sup>27</sup> See Revised Plan, Future Planning Process at 23 (stating that the Michigan Public Safety Advisory Committee will serve as the Region 21 Plan Update Committee).

Region 21 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).<sup>28</sup>

The Region 21 Revised Plan pre-allocates the consolidated narrowband General Use spectrum by county,<sup>29</sup> and was coordinated with all four regions adjacent to Region 21: Region 14 (Indiana), Region 33 (Ohio), Region 54 (Illinois-Great Lakes), and Region 45 (Wisconsin).<sup>30</sup>

On June 2, 2008, the Region 21 Revised Plan was placed on *Public Notice* for comment.<sup>31</sup> We received no comments. We have reviewed the Plan submitted by Region 21, and conclude, based on the information before us, that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Revised Region 21 (Michigan) 700 MHz Public Safety Plan is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

- FCC -

---

<sup>28</sup> See 47 C.F.R. § 90.531(a)(8); Revised Plan Appendix W - Certification of Public Meetings.

<sup>29</sup> See Revised Plan, Appendix N – Region 21 Spectrum Allotment (includes a map depicting two zones: (1) A U.S. Border Sharing Zone 1, Sector 1 (channels shown in red), and (2) a Protection Zone (channels highlighted in blue)).

<sup>30</sup> See Revised Plan Appendix X – Inter-Regional Coordination Agreements (includes signed letters of concurrence and dispute resolution agreements).

<sup>31</sup> See Comments Invited on Region 21 (Michigan) 700 MHz Regional Planning Committee Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 23 FCC Rcd 8640 (PSHSB 2008). Comments were due June 23, 2008, and reply comments were due July 3, 2008.